

**Amesbury Conservation Commission**  
**November 19, 2012**  
**Amesbury Health Center**  
**24 Morrill Place**

In attendance: Steve Langlois, Chairman, Michael Bik, Jack Tremblay and Madeleine Howard

Absent: James Chapman

Also in attendance: Conservation Agent John Lopez, and Secretary, Susan Yeames

The Chairman called the meeting to order at 6:30.

### **MINUTES**

The Chairman asked for a motion of approval for the minutes of 10/15/2012. *Commissioner Howard makes a motion to approve the minutes. The motion is seconded by Commissioner Tremblay. All in favor.*

### **ADMINISTRATIVE**

#### **Review/Approval – 2013 Meeting Schedule**

The Conservation Agent reported that the only available evenings at the new Senior Center for the Conservation meetings after 1/1/2013 would be either Tuesday or Wednesday and he asked that the Commissioners to choose a night. Neither night is acceptable so it was decided to continue with Monday nights at either the Health Center and if that isn't available City Hall Auditorium. This discussion was continued to the December meeting after confirming availability.

#### **Conceptual Review Request – Brickyard development – 83-85 Macy Street**

Alan Roscoe of Hancock Associates comes before the Commission. The project is located on the corner of Rocky Hill Road and Macy Street has been before the OCED staff for over two years. The last meeting was 10/22/2012 and the project plan at that point did not fit the regulations. Other options were given. The deep slopes present a problem as well as the plateau being in the buffer zone. They are willing to provide mitigation and are anxious to formalize a plan. They were asked if they would agree to a conceptual phase review. The developer is willing to work with a consultant to create a plan that fits the property. BSC has drawn up a draft contract. They are before the board for approval of a conceptual phase review. Chairman Langlois asks to be present when BSC does the site visit.

*Commissioner Howard makes a motion to approve the designation of BSC as the Conceptual Phase Reviewer with the contract as presented. Commissioner Bik seconds the motion. All in favor.*

#### **Enforcement Order – Elm Street Improvement Project (Keaveney)**

The Conservation Agent states that the work is now complete and in compliance with the Order of Conditions and suggests rescinding the Enforcement Order. There were numerous violations including a lack of signage and a lack of erosion control. Mr. Keavney has also not returned telephone call and was to attend the meeting tonight but called to say he would not be here. All issues have been rectified according to the Conservation Agent and he recommends that the Commission rescind the Enforcement Order. Commissioner Howard recommends that the Conservation Agent use Certified Mail when contacting the applicant in the future.

***Commissioner Howard moves to rescind the Enforcement Order as the applicant has complied with all outstanding issues. Commissioner Bik seconds the motion. All in favor.***

#### **Violation Notice - #002-1025 – 14 Old Merrill Street – Sewer Installation**

A Violation Order was issued because the applicant was required to install 150 Bayberry bushes along the side of the road and missed two deadlines. The plants are finally in but are very small mostly under 3". There was no stipulation on the height of the plants so he is in accordance with the approved plan. The size of the plants decreases their chance of survival during the coming winter season. There is \$6,000 left in the developers monitoring account that could be used to have BSC monitor the plants growth for two growing seasons. The Order of Conditions is on town owned land and the developer will have little interest in making sure the plants survive and they will become the responsibility of the town. BSC also suggested the installation of a snow fence for protection.

Commissioner Howard states that the applicant has satisfied the issues of the Violation Notice with the required planting of the 150 Bayberry plants.

#### **OLD BUSINESS**

**NOI #002-1015 Village at Bailey's Pond** asks to be continued to the December meeting.  
***Commission Howard moves to continue this hearing to the December meeting.***  
***Commission Bik seconds the motion. All in favor.***

**NOI #002-1016 16 Paige Farm Road** asks to be continued.  
***Commissioner Howard moves to continue this hearing to the February meeting.***  
***Commissioner Tremblay seconds the motion. All in favor.***

**NOI #002-1065 22 Old Merrill Road** asks to have the hearing continued.  
***Commissioner Howard moves to continue this hearing to the December meeting.***  
***Commissioner Tremblay seconds the motion. All in favor.***

**NOI #002-1064 24 Old Merrill Road** asks to have the hearing continued.  
***Commissioner Howard moves to continue this hearing to the December meeting***  
***Commissioner Tremblay seconds the motion. All in favor***

**NOI #002-1063 7 Merrill Street** asks to have the hearing continued

***Commissioner Howard moves to continue this hearing to the December meeting  
Commissioner Tremblay seconds the motion. All in favor.***

**OOC #002-1029 Quimby Lane – request to modify footbridge.**

A site walk was conducted and it was decided that the approved bridge would not be right for the site and the applicant was asked to come back to the Commission with a new plan. He presents a hand drawn plan that is similar in style to those found at Battis Farm with concrete blocks and pressure treated boards. This will be used to direct people over the wetland. The Commissioners need to determine if this is a minor change to the Order of Conditions and not worthy of an amendment to the Order of Conditions. The new bridge plan would be incorporated into the existing Order of Conditions. A trail plan has also been submitted. The Conservation Agent requests a plan showing the trail plan along with the slopes and how the slope will be graded. The Amesbury Planning Board has sent an email asking for information on how the pathway will be constructed. The applicant will need a plan showing how the slope was graded before receiving a Certificate of Compliance. The bridge design is approved but the pathway is not.

***Commissioner Howard moves to approve a minor change to the original bridge design.  
Commissioner Bik seconds the motion. All in favor.***

**NEW BUSINESS**

**RDA – 1-495 North Bound Lane Maintenance** – Andrea Norton on the Mass DOT proposes general maintenance to rebuild a washed out area that has occurred just before the exit 55 off ramp. The debris will be removed from the site. New soil, fabric and rip rap will be used and the guardrail will be replaced.

***Commissioner Howard makes a motion to make a negative determination for the Department of Transportation's approved plan. Commissioner Tremblay seconds the motion. All in favor.***

**Request for a Certificate of Compliance #002-0031- 27 Elizabeth Street.**

The applicant has a 1991 Order of Conditions that does not have a Certificate of Compliance on file for a sewer disposal system. The work has been completed.

***Commissioner Howard moves to approve the Certificate of Compliance for 27 Elizabeth Street #002-0031. Commissioner Tremblay seconds the motion. All in favor.***

**Request for a Certificate of Compliance #002-1013 – 31 Pleasant Valley Road.**

The applicant has a 2010 Order of Conditions for a small addition to the house. The work is complete and in compliance.

***Commissioner Bik moves to approve the Certificate of Compliance for 31 Pleasant Valley Road #002-1013 Commissioner Howard seconds the motion. All in favor.***

**Request for a Certificate of Compliance #002-1025 – Old Merrill Street**

This project was under a violation order because they did not install 150 Bayberry bushes as called for in the Order of Conditions. The plants have been installed and as described earlier this

evening, the violation has been rescinded. The Town is still holding \$6,000 retained for the monitoring of the plants. The Conservation Agent suggests two options. One would be to give the applicant the Certificate of Compliance and the Town would assume the responsibility for the survival of the plants. Two, would be to continue the hearing for two years and keep the \$6,000 for a monitoring fee that would be paid to BSC for their fee. The hearing would be continued for two growing seasons to insure the survival of the plants and if they don't they will be replaced with the held amount.

***Commissioner Tremblay moves to delay the issue of a Certificate of Compliance to April 2015. Snow fencing would also be required as suggested by BSC. The \$6,000 will be held in lieu of the planting replacements if necessary and for the cost of monitoring the survival of the plants. If plants need to be replaced, they will be required to replace them with plants 18" to 24" tall with the cost to be taken on by the applicant not with the \$6,000. Commissioner Bik seconds the motion. All in favor.***

#### **RDA – Fern Avenue – Sewer Installation – Kitchen**

The proposal of an installation of sewer line is in a small portion of jurisdictional area. The erosion control plan as submitted is adequate. The applicant can switch from hay bales to silt socks if desired. The plan as submitted is fine. The Town Engineer has no issues with the project. The Conservation Agent recommends a negative determination be issued with a site visit to confirm that erosion control is in place.

Abutter, Steve Perkins, 50 Fern Avenue asks if the line would be all underground. Yes it will be all underground and on the side of the road. He asks that all abutters along the line be notified when the work will be done. The property owner will notify them.

***Commissioner Howard moves to issue a negative determination and asks that all abutters be notified of the possible disruption of service prior to the work being done. Commissioner Bik seconds the motion. All in favor.***

#### **ANRAD – 95 Haverhill Road (Shaheen)**

Curt Young represents the client and he presents new plans for the project. He explains that all drainage on site is man made while the wetlands further back on the property are natural. There have been no modifications to the original ANRAD. The boundaries were reviewed and changes were made today. There will be two additions. Fire codes will be met with emergency exits and access. A waiver will be required with a revegetation of the mowed area and to move the vegetation line closer to the building. Most of the area is buffer zone. Wetlands are manmade and will be drawn closer to the building.

Mr. Anthony Iannuccillo, property owner from across the street speaks to the water problem that occurs on Haverhill Street because of the drainage issues on the property. He states that in the winter the water in the basin comes up and over the road causing icy conditions.

Jillian Davies, BSC Group Peer Reviewer, speaks to the issue and explains what was found on the property and where the wetland are located.

The Conservation Agent was told by Ms. Davies that changes to the ANRAD were made and corrected to her specifications. The changes are on the plans. Flags #83, 84 and 85 were moved up the slope. 27A line was pulled out 7 feet. Otherwise the vast majority of flags did not need adjustment. The ORAD confirms the ANRAD.

The next step in the process is to file an NOI.

***Commissioner Howard makes a motion to approve the ORAD as submitted and accept the contract with BSC. Commissioner Bik seconds the motion. Commissioners Bik, Langlois and Howard approve while Commissioner Tremblay opposes.***

### **Phase II Conceptual Mitigation Plan on Wetlands Impacts.**

The discussion included fire safety with the assurance that the fire department reviewed the plan and determined that access did not have to go all around the building as long as there is access on three sides. The new freezer will be in the addition that is surrounded by lawn. This lawn could be replaced with shrub which will reduce the Loosestrife that is currently there now. The plan is also to build a box culvert for a high quality wetland crossing to the solar array planned for the back part of the property. Woody Cammett, Cammett Engineering, reported that the Fire Department does not feel that it is necessary to have access completely around the building as the addition will only hold the freezer.

The property owners are going ahead with the plans for the solar array which will be filed under a separate NOI from the building addition NOI.

The Conservation Agent feels that the mitigation plan is excellent and created wetlands will abut the existing wetland.

The Conservation Agent is asking for a waiver for increasing the wildlife habitat which would improve the site and asks that they consider the introduction of a protected species.

### **ANRAD – 277 Elm Street**

Beanpod Partners. Woody Cammett, Cammett Engineering represents the owners. The project was sent to BSC for a contract. The Pylons who are abutters are upset about the blocking of the stream. They do not like the way the water flows presently and would like to see it flow the way it was before but the culvert is undersized. Commissioner Bik has been working with the Mass DEP and says that they are responsible for maintaining the culvert. The issue will be considered in the future.

***Commissioner Howard moves to approve BSC as the peer reviewer. Commissioner Tremblay seconds the motion. All in favor.***

***Commissioner Bik makes a motion to adjourn at 9:15. Commissioner Tremblay seconds the motion. All in favor.***